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RW/ML  
061-091



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/622257	COUTOS THEVENOT	P 0061 000091 INTERNATIONAL APPLICATION NO.
POLLOCK VANDE SANDE AMERNICK 1900 M STREET NW SUITE 800 WASHINGTON, DC 20036 3425		PCT/FR00/00318
		I.A. FILM DATE PRIORITY DATE
		12 FEB 00 13 FEB 00

DATE MAILED: 11 JAN 2001

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as  a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

4 02 JAN 2001  
35 U.S.C. 102(e) DATE

02 JAN 2001  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

— A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the International application (Article 11(3) and 33 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.*

3.  A request for immediate examination under 35 U.S.C. 371(f) was received on 14 AUG 2000 and the application will be examined in turn.

4. The following items have been received:

U.S. Basic National Fee.

Copy of the international application in:

a non-English language.  
 English.

Translation of the international application into English.

Oath or Declaration of inventor(s) for DO/EO/US.

Copy of Article 19 amendments  Translation of Article 19 amendments into English.

The Article 19 amendments  have  have not been entered.

The International Preliminary Examination Report in English and its Annexes, if any.

Copy of the Annexes to the International Preliminary Examination Report (IPER).

Translation of Annexes to the IPER into English.

The Annexes  have  have not been entered.

Preliminary amendment(s) filed 14 AUG 2000 and \_\_\_\_\_

Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed \_\_\_\_\_

Verified Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report  and copies of the references cited therein.

Other: \_\_\_\_\_



Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Paulette Kidwell, Paralegal

Telephone: 703-305-3856

FORM PCT/DO/EO/903 (December 1997)



Application No.: 09/622,257

Docket No.: 20061-00091-US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Pierre Coutos-Thevenot et al.

Application No.: 09/622,257

Confirmation No.: 8211

Filed: January 2, 2001

Art Unit: 1638

For: NUCLEIC ACID COMPRISING THE SEQUENCE  
OF A STRESS-INDUCIBLE PROMOTER AND A  
SEQUENCE OF A GENE ENCODING A  
STILBENE SYNTHASE

Examiner: R. Kallis

**REQUEST FOR CORRECTED NOTICE OF ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Notice of Allowance and Fee(s) Due in the above-captioned case gives a filing date of January 2, 2000. This is incorrect. The correct filing date is January 2, 2001, when the Section 371 requirements were met (see attached copy of the Notification of Acceptance of Application under 35 USC 371).

A corrected Notice of Allowance and Fee(s) Due is requested.

The Commissioner is authorized to charge any required fees to Deposit Account No. 22-0185.

Dated: *1 APR 1 2004*

Respectfully submitted,

By \_\_\_\_\_

John A. Evans

Registration No.: 44,100  
CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800  
Washington, DC 20036-3425  
(202) 331-7111  
(202) 293-6229 (Fax)



*Z0061/00091  
ML/JKT*

## UNITED STATES PATENT AND TRADEMARK OFFICE

*IF DUE  
5/17/04*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

02/17/2004

Richard Wiener  
Pollock Vande Sande & Amernick  
PO Box 19088  
Washington, DC 20036-3425



EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

DATE MAILED: 02/17/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,257	01/02/2000	Pierre Coulois-Thevenot	0061/00091	8211

TITLE OF INVENTION: NUCLEIC ACID COMPRISING THE SEQUENCE OF A PROMOTER UNDUCIBLE BY STRESS AND A GENE SEQUENCE CODING FOR A STILBENE SYNTHASE  
01/02/2001

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	05/17/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# FAX TRANSMISSION

**DATE:** April 1, 2004

**PTO IDENTIFIER:** Application Number 09/622,257 - Conf. #8211  
Patent Number

**Inventor:** Pierre Coutos-Thevenot et al

**MESSAGE TO:** US Patent and Trademark Office – Mail Stop Issue Fee

**FAX NUMBER:** (703) 746-4000

**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

**PHONE:** (202) 331-7111

**Attorney Dkt. #:** 20061-00091-US

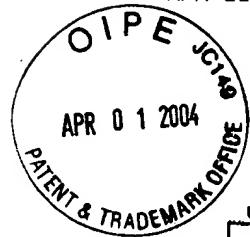
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Change of Correspondence Address (1 page);  
Request for Corrected Filing Receipt (1 page);  
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**Telephone:** (202) 331-7111 **Facsimile:** (202) 293-6229



PTO/SB/97 (12-97)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 4/1/04  
Date

Nicole Yun  
Signature

Nicole Yun

Typed or printed name of person signing Certificate

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